

SAFE DRINKING WATER ACT9-38. Eligibility of Indian Tribes to Apply for Primary Enforcement: Public Water Systems and Underground Injection Control

1. **AUTHORITY.** To approve any amendments to the first final determination of whether an Indian Tribe is eligible to apply for primary enforcement for the Public Water System and Underground Injection Control Programs in accordance with Section 1451 of the Safe Drinking Water Act, or to approve any subsequent final determinations in the same program. A separate determination must be made for the Public Water System and Underground Injection Control Programs.
2. **TO WHOM DELEGATED.** Director, Water Division.
3. **LIMITATIONS.**
  - a. The authority to approve the initial determination must be exercised by the regional administrator.
  - b. The regional administrator is required to obtain concurrence from the assistant administrators for Water and Enforcement and Compliance Assurance, and the general counsel, or their designees, prior to making the first final determination for each program in the region.
  - c. The Office of Water and the Office of Enforcement and Compliance Assurance may waive the concurrence limitation on a case-by-case basis. The regional administrator will be responsible for maintaining a record of any waiver of this limitation and sending a copy of any waiver to the Management and Organization Division (PM-213).
  - d. Any subsequent final determinations in that program or any amendments to the first final determination may be made by the division director, with the concurrence of the regional counsel and the director of the Enforcement and Compliance Assurance Division, or their designees Concurrence may be waived in writing.
4. **REDELEGATION AUTHORITY.**
  - a. This authority may not be redelegated.
  - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

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5. **ADDITIONAL REFERENCES.** 40 C.F.R. §§ 142.72, 142.76, 142.78, 145.52, 145.56, 146.58.

  
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Gregory Sopkin  
Regional Administrator

  
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Date